

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 04-18
)	
PACIFIC ARCHITECTS, INC. and)	
Dwight K. Mitsunaga,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around September 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Pacific Architects, Inc. and Dwight K. Mitsunaga ("Mitsunaga" unless otherwise noted). Business Registration Division records list Pacific Architects, Inc. business purpose as architectural services, whose business address is 2020 South King Street, Honolulu, Hawaii. Records list officers as Dwight K. Mitsunaga, President, Clifford K. Murakami, Vice-president, Jinny Silva, Secretary/Treasurer , and Harold McGuire, Director. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Mitsunaga and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
 - III. That the Respondents cooperated and facilitated the complete and accurate review of all campaign contributions made or otherwise reimbursed by Respondent.
 - IV. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
 - V. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
 - VI. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
 - VII. That parties agree to the pertinent facts as follows:
 1. On or around September 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of candidate campaign committees including:
 - a. Arnold Morgado ("Morgado"),
 - b. Ben Cayetano ("Cayetano"),
 - c. Mazie Hirono ("Hirono"),
 - d. Jeremy Harris ("Harris"), and
 - e. Kimo Apana ("Apana").
- initiated an investigation involving excess contributions in violation of particular campaign finance statutes.

2. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.
3. Section 11-204(a)(1)(C), HRS reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
5. The Commission finds that contributions made to candidates by family members, employees and friends include:
 - a. Hatsuko Murakami, Mother of Clifford Murakami
 - b. Julie Murakami, Wife of Clifford Murakami
 - c. Judy Takahashi, Sister of Clifford Murakami
 - d. Fred Takahashi, Husband of Judy (Deceased)
 - e. Joanne Takamoto, Friend of Dwight Mitsunaga
 - f. Mike Takamoto, Friend of Dwight Mitsunaga

- g. Don Lee, Former Brother-in-law of D. Mitsunaga
- h. Robin Silva, Son of Jinny Silva

6. The Commission finds that family members and employees made contribution to the Morgado campaign committee supplied by Mitsunaga in the amount of \$4,000 including contribution by:

Hatsuko Murakami	07/96	\$1,000
Harold McGuire	07/96	\$1,000
Fred Takahashi	07/96	\$1,000
Joanne Takamoto	07/96	\$1,000

7. The Commission finds that officers, family members and friends made contributions to the Cayetano campaign committee supplied by Mitsunaga totaling \$15,000, including contributions by:

Hatsuko Murakami	04/97	\$1,000
Fred Takahashi	07/97	\$1,000
Mike Takamoto	04/97	\$1,000
Hatsuko Murakami	12/97	\$1,500
Fred Takahashi	12/97	\$1,000
Harold McGuire	12/97	\$1,000
Robin Silva	12/97	\$1,000
Clifford Murakami	06/98	\$ 750
Jinny Silva	06/98	\$1,000
Robin Silva	12/98	\$1,000
Clifford Murakami	10/98	\$1,000
Jinny Silva	10/98	\$1,000
Fred Takahashi	10/98	\$1,000
Hatsuko Murakami	10/98	\$1,000
Pacific Architects	10/98	\$1,000

8. The Commission finds officers, family members and friends made campaign contributions to the Hirono campaign committee supplies by Mitsunaga totaling \$1,500, including contribution by:

Hatsuko Murakami	03/02	\$ 500
Judy Takahashi	03/02	\$ 500
Michael Takamoto	03/02	\$ 500

9. The Commission finds that officers, family members and friends made campaign contributions to the Harris campaign committee supplied by Mitsunaga totaling \$13,000, including contributions by:

Hatsuko Murakami	06/99	\$1,000
Michael Takamoto	06/99	\$1,000
Robin Silva	06/99	\$1,000
Judy Takahashi	06/99	\$1,000
Hatsuko Murakami	12/99	\$1,000
Don Lee	12/99	\$2,000
Judy Takahashi	12/99	\$1,000
Michael Takamoto	12/99	\$2,000
Pacific Architects	03/00	\$2,000
Clifford Murakami	12/01	\$1,000

10. The Commission finds that family members and friends made campaign contributions to the Apana campaign committee supplied by Mitsunaga in the amount of \$6,000, including contributions by:

Pacific Architects	05/00	\$2,000
Pacific Architects	06/01	\$2,000
Michael Takamoto	07/01	\$1,000
Julie Murakami	08/01	\$1,000

11. That Mitsunaga did not file an organizational report pursuant to section 11-194, HRS.
12. That Mitsunaga did not file disclosure reports pursuant to sections 11-212 and 11-213, HRS.
13. That Mitsunaga did not file contract disclosure reports pursuant to section 11-205.5, HRS.

VIII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #04-18, Mitsunaga understands and agrees to the following:

- (A) Mitsunaga agrees to an assessment of **Thirty-nine Thousand Five Hundred Dollars (\$39,500)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-202, HRS, making false name campaign contributions;
 - (2) For violation of section 11-204, HRS, making excess campaign contributions to candidate committees;
 - (3) For failure to file an organizational report and required disclosure reports pursuant to sections 11-194, 11-212 and 11-213, HRS; and
 - (4) For failure to file contractor reports pursuant to section 11-205.5, HRS.
- (B) Mitsunaga agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

IX. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the

Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

- X. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- XI. This Agreement constitutes the entire agreement between the Commission and Mitsunaga on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XII. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Dwight K. Mitsunaga

By: _____

(Name)

(Title)

Date: _____